

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GIZACHEW WONDIE,

Plaintiff,

v.

KING COUNTY, et al.,

Defendants.

Case No. 2:21-cv-01623-JHC

**DEFENDANT KATHLEEN  
DECKER'S ANSWER AND  
AFFIRMATIVE DEFENSES TO  
PLAINTIFF'S AMENDED  
COMPLAINT FOR DAMAGES**

Defendant Kathleen Decker answers Plaintiff's Amended Complaint for Damages ("Complaint") and asserts affirmative defenses thereto as follows:

**INTRODUCTION**<sup>1</sup>

It is difficult to think of a law enforcement official with a better reputation than Detective Kathleen Decker. Ms. Decker has honorably served her Country, State, and County for three decades. Ms. Decker's achievements are legion and legend. From rising through the ranks from patrol officer to detective through hard work and principled innovation, to catching serial killers, she has served the innocent.

<sup>1</sup> Plaintiff's Amended Complaint frequently references Ms. Decker's testimony at the *Franks* hearing, which was given with the benefit of hindsight and without the opportunity to provide any clarifying context. This brief introduction provides the proper context for Ms. Decker's actions *at the time she took them*, which will inform the reasonableness of her alleged mistakes under Section 1983.

Ms. Decker performed her duties as a detective with the utmost responsibility and rectitude. She has investigated dozens of homicides with dozens of victims. One such victim was Amarah Riley. Ms. Decker was the lead detective assigned to Amarah's homicide investigation. In that capacity, Ms. Decker obtained a spate of information leading her to believe Plaintiff possessed the gun associated with shell casings recovered from the scene of Amarah's homicide. Ms. Decker obtained in good faith a search warrant to pursue this lead, prompting the allegations underlying Plaintiff's Complaint, which Ms. Decker answers as follows:

## **ANSWER**

### **I. INTRODUCTION**

1.1 The allegations in Paragraph 1.1 are vague. Ms. Decker cannot form a belief as to those allegations and therefore denies them. Ms. Decker specifically denies that the search of Mr. Wondie was based on "judicial deception."

1.2 Ms. Decker denies the allegations in Paragraph 1.2.

1.3 Ms. Decker admits the allegations in the first four sentences in Paragraph 1.3, subject to the caveat that the term "authored" is vague and Ms. Decker does not admit to being the only author of the search warrant. The allegations in the last two sentences seek a legal conclusion, which Ms. Decker is not required to answer. In any event, the transcript speaks for itself as to Ms. Decker's testimony.

1.4 Ms. Decker admits only that she and Detective John Free questioned Plaintiff following his resulting arrest for possession of drugs in plain view. Ms. Decker denies the remaining allegations in Paragraph 1.4.

1.5 Responding to the first three sentences, the transcript speaks for itself. Ms. Decker denies the last sentence in Paragraph 1.5.

1           1.6     Ms. Decker admits Paragraph 1.6.

2           1.7     Ms. Decker lacks sufficient information or knowledge to form a belief as to the  
3     allegations in Paragraph 1.7 and therefore denies the same.

4           1.8     Ms. Decker lacks sufficient information or knowledge to form a belief as to the  
5     allegations in Paragraph 1.8 and therefore denies the same.  
6

7                           **II.     JURISDICTION AND VENUE**

8           2.1     The allegations in Paragraph 2.1 seek a legal conclusion, which Ms. Decker is not  
9     required to answer.

10          2.2     The allegations in Paragraph 2.2 seek a legal conclusion, which Ms. Decker is not  
11     required to answer.

12                           **III.    THE PARTIES**

13          3.1     Ms. Decker lacks sufficient information or knowledge to form a belief as to the  
14     allegations in Paragraph 3.1 and therefore denies the same.  
15

16          3.2     Ms. Decker lacks sufficient information or knowledge to form a belief as to the  
17     allegations in Paragraph 3.2 and therefore denies the same.

18          3.3     Ms. Decker admits only the last sentence and denies the remaining allegations in  
19     Paragraph 3.3.

20          3.4     Ms. Decker lacks sufficient information or knowledge to form a belief as to the  
21     allegations in Paragraph 3.4 and therefore denies the same.  
22

23                           **IV.    FACTUAL ALLEGATIONS**

24          4.1     Ms. Decker admits Mr. Wondie was in his vehicle at Seattle Central Community  
25     College on December 6, 2018. Ms. Decker lacks sufficient information or knowledge to form a  
26     belief as to the remaining allegations in Paragraph 4.1 and therefore denies the same.  
27

1           4.2     Ms. Decker lacks sufficient information or knowledge to form a belief as to the  
2     allegations in Paragraph 4.2 and therefore denies.

3           4.3     Ms. Decker admits Paragraph 4.3.

4           4.4     Ms. Decker admits Paragraph 4.4.

5           4.5     The allegations in the first sentence in Paragraph 4.5 seek a legal conclusion,  
6     which Ms. Decker is not required to answer. Ms. Decker admits only that she testified she did  
7     not have probable cause to arrest Plaintiff for murder and denies the remaining allegations in the  
8     second sentence in Paragraph 4.5.

9           4.6     Ms. Decker admits Paragraph 4.6.

10          4.7     Ms. Decker admits only the first three sentences. The remaining allegations in  
11     Paragraph 4.7 are vague and Ms. Decker therefore denies them.

12          4.8     Ms. Decker admits Paragraph 4.8.

13          4.9     The allegations in Paragraph 4.9 are vague, including as to the word “protocol,”  
14     such that Ms. Decker cannot form a belief as to those allegations and therefore denies them.

15          4.10    The allegations in Paragraph 4.10 are vague, including as to the applicable  
16     timeline and the phrase “use the evidence,” and Ms. Decker therefore denies them.

17          4.11    The allegations in Paragraph 4.11 are vague, including as to the phrase “related  
18     to,” such that Ms. Decker cannot form a belief as to those allegations and therefore denies them.

19          4.12    The allegations in Paragraph 4.12 are vague, including as to the word  
20     “confirmation,” such that Ms. Decker cannot form a belief as to those allegations and therefore  
21     denies them.

22          4.13    The allegations in Paragraph 4.13 are vague, including as to the phrase “to use an  
23     NIBIN lead,” such that Ms. Decker cannot form a belief as to those allegations and therefore  
24     denies them.

1 denies them.

2 4.14 Ms. Decker admits only the first two sentences in Paragraph 4.14 subject to the  
3 caveat that she only testified the quoted language in the second sentence was incorrect. The  
4 allegations in the last sentence of Paragraph 4.14 are vague, including the applicable timeline and  
5 meaning of the term “this statement,” such that Ms. Decker cannot form a belief as to those  
6 allegations and therefore denies them.  
7

8 4.15 The unidentified but referenced documents and Ms. Decker’s testimony speak for  
9 themselves. Ms. Decker otherwise denies Paragraph 4.15. Ms. Decker specifically denies that  
10 she was aware a NIBIN lead could not be used to obtain a search warrant.

11 4.16 Ms. Decker denies Paragraph 4.16.

12 4.17 Ms. Decker admits Paragraph 4.17.

13 4.18 Ms. Decker admits Paragraph 4.18.

14 4.19 Ms. Decker admits only sentences one, two, three, four, and five of Paragraph  
15 4.18. Ms. Decker denies the sixth sentence in Paragraph 4.19.  
16

17 4.20 The language in Ms. Decker’s application for a search warrant and supporting  
18 affidavit speaks for itself.

19 4.21 Ms. Decker admits only that she had access to a gang identification database  
20 known as GETEM, that she used it, and does not recall whether she used it during the course of  
21 investigating Plaintiff. Ms. Decker denies the remaining allegations in Paragraph 4.21.  
22

23 4.22 Ms. Decker lacks sufficient information or knowledge to form a belief as to the  
24 allegations in Paragraph 4.22 and therefore denies the same.

25 4.23 Ms. Decker admits Paragraph 4.23

26 4.24 Ms. Decker denies Paragraph 4.24.  
27

1           4.25    The affidavit speaks for itself.

2           4.26    Ms. Decker admits only the fourth and fifth sentences in Paragraph 4.26.  
3 Ms. Decker denies the remaining allegations in Paragraph 4.26.

4           4.27    Ms. Decker admits the allegations contains in the first three sentences in  
5 Paragraph 4.27. Ms. Decker admits only that the last sentence contains quotes taken from the  
6 Complaint filed in USDC Case No. 18-cr-00315-RAJ-1 and that this document speaks for itself.  
7 To the extent these allegations allege any wrongdoing by Ms. Decker, they are expressly denied.  
8

9           4.28    Ms. Decker makes no response as it appears none is required, and the relevant  
10 court records speak for themselves. However, to the extent factual allegations are intended or  
11 legal conclusions contrary to applicable law are alleged, they are hereby denied. To the extent  
12 these allegations allege any wrongdoing by Ms. Decker, they are expressly denied.  
13

14           4.29    Ms. Decker makes no response as it appears none is required, and the relevant  
15 court records speak for themselves. However, to the extent factual allegations are intended or  
16 legal conclusions contrary to applicable law are alleged, they are hereby denied. To the extent  
17 these allegations allege any wrongdoing by Ms. Decker, they are expressly denied.

18           4.30    Ms. Decker admits she testified at a hearing on June 21, 2021. Ms. Decker lacks  
19 sufficient information or knowledge to form a belief as to the remaining allegations in Paragraph  
20 4.30 and therefore denies the same.  
21

22           4.31    Ms. Decker lacks privity to/with the United States Government and lacks  
23 sufficient information or knowledge to form a belief as to the allegations in Paragraph 4.31 and  
24 therefore denies the same.

25           4.32    Ms. Decker lacks privity to/with the United States Government and lacks  
26 sufficient information or knowledge to form a belief as to the allegations in Paragraph 4.32 and  
27

1 therefore denies the same.

2 4.33 Ms. Decker admits Paragraph 4.33.

3 4.34 Ms. Decker makes no response as it appears none is required, and the relevant  
4 court records speak for themselves. However, to the extent factual allegations are intended or  
5 legal conclusions contrary to applicable law are alleged, they are hereby denied. To the extent  
6 these allegations allege any wrongdoing by Ms. Decker, they are expressly denied.  
7

8 4.35 The allegations in Paragraph 4.35 seek a legal conclusion, which Ms. Decker is  
9 not required to answer. To the extent an answer is required, Ms. Decker lacks privity to/with the  
10 United States Government and denies Paragraph 4.35.

11 4.36 The allegations in Paragraph 4.36 seek a legal conclusion, which Ms. Decker is  
12 not required to answer. To the extent an answer is required, Ms. Decker lacks privity to/with the  
13 United States Government and denies Paragraph 4.36.  
14

15 4.37 Ms. Decker admits that she was not disciplined for her involvement in  
16 Mr. Wondie's case and that King County took not corrective action as a consequence of her  
17 involvement in Mr. Wondie's case. Ms. Decker lacks sufficient information or belief regarding  
18 the remaining allegations in Paragraph 4.37 and therefore denies the same.

19 4.38 The allegations in Paragraph 4.38 are directed to other defendants and Ms. Decker  
20 is not required to answer. To the extent an answer is required, Ms. Decker lacks sufficient  
21 information or belief regarding the allegations in Paragraph 4.38 and therefore denies the same.  
22

23 4.39 Ms. Decker makes no response as it appears none is required, and the cited case  
24 speaks for itself. However, to the extent factual allegations are intended or legal conclusions  
25 contrary to applicable law are alleged, they are hereby denied. To the extent these allegations  
26 allege any wrongdoing by Ms. Decker, they are expressly denied.  
27

1           4.40 Ms. Decker makes no response as it appears none is required, and the cited case  
2 speaks for itself. However, to the extent factual allegations are intended or legal conclusions  
3 contrary to applicable law are alleged, they are hereby denied. To the extent these allegations  
4 allege any wrongdoing by Ms. Decker, they are expressly denied.

5           4.41 Ms. Decker makes no response as it appears none is required, and the cited case  
6 speaks for itself. However, to the extent factual allegations are intended or legal conclusions  
7 contrary to applicable law are alleged, they are hereby denied. To the extent these allegations  
8 allege any wrongdoing by Ms. Decker, they are expressly denied.

9           4.42 Ms. Decker makes no response as it appears none is required, and the cited case  
10 speaks for itself. However, to the extent factual allegations are intended or legal conclusions  
11 contrary to applicable law are alleged, they are hereby denied. To the extent these allegations  
12 allege any wrongdoing by Ms. Decker, they are expressly denied.

13           4.43 Ms. Decker makes no response as it appears none is required, and the cited case  
14 speaks for itself. However, to the extent factual allegations are intended or legal conclusions  
15 contrary to applicable law are alleged, they are hereby denied. To the extent these allegations  
16 allege any wrongdoing by Ms. Decker, they are expressly denied.

17           4.44 Ms. Decker makes no response as it appears none is required, and the cited case  
18 speaks for itself. However, to the extent factual allegations are intended or legal conclusions  
19 contrary to applicable law are alleged, they are hereby denied. To the extent these allegations  
20 allege any wrongdoing by Ms. Decker, they are expressly denied.

21           4.45 Ms. Decker makes no response as it appears none is required, and the relevant  
22 court records speak for themselves. However, to the extent factual allegations are intended or  
23 legal conclusions contrary to applicable law are alleged, they are hereby denied. To the extent  
24



1 these allegations allege any wrongdoing by Ms. Decker, they are expressly denied.

2 4.46 Ms. Decker denies Paragraph 4.46.

3 **V. CAUSE OF ACTION – CLAIMS PURSUANT to 42 U.S.C. §1983 and §1988**

4 5.1 Ms. Decker realleges Paragraphs 1.1 through 4.35 of this Answer as if fully set  
5 forth herein.

6 5.2 The allegations in Paragraph 5.2 seek a legal conclusion, which Ms. Decker is not  
7 required to answer. To the extent an answer is required, Ms. Decker admits only that she was  
8 acting under the color of state law and denies the remaining allegations in Paragraph 5.2.

9 5.3 The allegations in Paragraph 5.3 are directed to other defendants and seek a legal  
10 conclusion, which Ms. Decker is not required to answer. To the extent an answer is required,  
11 Ms. Decker denies Paragraph 5.3.

12 5.4 The allegations in Paragraph 5.4 seek a legal conclusion, which Ms. Decker is not  
13 required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.4.

14 5.5 The allegations in Paragraph 5.5 seek a legal conclusion, which Ms. Decker is not  
15 required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.5.

16 5.6 The allegations in Paragraph 5.6 seek a legal conclusion, which Ms. Decker is not  
17 required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.6 and  
18 specifically denies “judicial deception.”

19 5.7 The allegations in Paragraph 5.7 seek a legal conclusion, which Ms. Decker is not  
20 required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.7.

21 5.8 The allegations in Paragraph 5.8 seek a legal conclusion, which Ms. Decker is not  
22 required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.8.

23 5.9 The allegations in Paragraph 5.9 contain argumentative rhetoric and seek a legal  
24  
25  
26  
27

1 conclusion, which Ms. Decker is not required to answer. To the extent an answer is required,  
2 Ms. Decker denies Paragraph 5.9.

3 5.10 The allegations in Paragraph 5.10 are directed to other defendants and Ms. Decker  
4 is not required to answer. To the extent an answer is required, Ms. Decker lacks sufficient  
5 information or belief regarding the allegations in Paragraph 5.10 and therefore denies the same.  
6

7 5.11 Answering the first two sentences, Ms. Decker's testimony speaks for itself and  
8 she specifically denies Paragraph 5.11 to the extent it misrepresents her testimony. Ms. Decker  
9 lacks sufficient information or belief regarding the remaining allegations in Paragraph 5.11 and  
10 therefore denies the same.

11 5.12 Ms. Decker admits only the first sentence in Paragraph 5.12. Ms. Decker  
12 specifically denies Mr. Wondie was arrested without probable cause. Ms. Decker lacks sufficient  
13 information or belief regarding the remaining allegations in Paragraph 5.12 and therefore denies  
14 the same.  
15

16 5.13 The allegations in Paragraph 5.13 are directed to other defendants and Ms. Decker  
17 is not required to answer. To the extent an answer is required, Ms. Decker lacks sufficient  
18 information or belief regarding the allegations in Paragraph 5.13 and therefore denies the same.

19 5.14 The allegations in Paragraph 5.14 seek a legal conclusion, which Ms. Decker is  
20 not required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.14.  
21

22 5.15 The allegations in Paragraph 5.15 seek a legal conclusion, which Ms. Decker is  
23 not required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.15.

24 5.16 The allegations in Paragraph 5.16 seek a legal conclusion, which Ms. Decker is  
25 not required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.16.  
26  
27

**VI. PLAINTIFF'S PRAYER FOR RELIEF**

Ms. Decker denies liability for Plaintiff's claims and denies Plaintiff is entitled to any relief whatsoever.

**AFFIRMATIVE DEFENSES**

1. Plaintiff's Complaint should be dismissed for failure to state a claim upon which relief can be granted.

2. Plaintiff's claims against Ms. Decker should be dismissed based on the doctrine of qualified immunity.

3. Plaintiff has failed to mitigate his damages and protect himself from avoidable consequences.

4. Plaintiff's claims should be estopped or, at a minimum, offset based on the doctrine of unclean hands.

5. Plaintiff's injuries, if any, were the result of Plaintiff's own unlawful or unreasonable conduct.

6. At times relevant to Plaintiff's Complaint, Officer Decker, with a reputation for truthfulness and good character, acted lawfully, in good faith, without malice, within the course and scope of her employment and duties, with a reasonable belief that her actions were lawful and proper and without mal-intent.

7. Plaintiff was lawfully arrested for possession of contraband.

8. Ms. Decker incorporates the affirmative defenses of any other defendant in this litigation to the extent such affirmative defenses are consistent with Ms. Decker's Answer and Affirmative Defenses to Plaintiff's Complaint for Damages.

1           9.       Ms. Decker reserves the right to supplement or strike any of these affirmative  
2 defenses or to assert additional affirmative defenses as discovery in this matter may reveal to be  
3 appropriate.

4                               **MS. DECKER'S PRAYER FOR RELIEF**

- 5
- 6           1.       Dismissal of Plaintiff's claims against Ms. Decker with prejudice;
- 7           2.       An award of attorneys' fees and costs to the extent permitted under applicable  
8 law; and
- 9           3.       Such other and further relief as the Court deems just and equitable.
- 10

11       DATED: July 22, 2022

12                               CORR CRONIN LLP

13

14                               s/ Taryn M. Basauri

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23                               Attorneys for Defendant Kathleen Decker

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 22, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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DATED: July 22, 2022.

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